

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of)	
)	
Dennis S. Hodge)	
t/a Family Liquors)	Case No: 152-01/059P
Renewal Application for a Retailer's)	Order No. 2003-72
License Class "A" - at premises)	
710 H Street, N.E.)	
Washington, DC)	
)	
Applicant)	

BEFORE:

Charles A. Burger, Interim Chairperson ¹
Vera M. Abbott, Member
Audrey E. Thompson, Member
Judy A. Moy, Member
Laurie Collins, Member

ALSO PRESENT:

Jessica Ward, on behalf of the Protestants

Myrtle Mills Wyre, Esq., and Lincoln Hodge, on behalf of the Applicant

Fred P. Moosally, III, Esquire, General Counsel
Alcoholic Beverage Regulation Administration

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The application, filed by Dennis S. Hodge, t/a Family Liquors ("Applicant"), for the renewal of a Retailer's License Class "A" at premises, 710 H Street, N.E., Washington, D.C., initially came before the Alcoholic Beverage Control Board ("Board") for a roll call hearing on May 30, 2001 and a continued roll call hearing on June 13, 2001. It was determined that a timely protest was filed pursuant to D.C. Official Code § 25-601 (2001), by Earle Rands, Frederick Nicholas, Jane Silver, Rolando Chavez, and Remi Del Rosario ("Protestants.")

The protest issue is whether the establishment adversely affects the peace, order, and quiet of the neighborhood.

¹ Chairperson Roderic L. Woodson, Esq., who was the Chairperson for these proceedings is no longer a member of the ABC Board. Interim Chairperson Charles A. Burger was a member of the Board during these proceedings.

This case came before the Board for public protest hearings on April 3, 2002 and May 15, 2002. The Board having considered the evidence, the testimony of the witnesses, and documents comprising the Board's official file, makes the following:

FINDINGS OF FACT

1. The Applicant's establishment is located at 710 H Street, N.E., on the Northeast corridor of H Street, N.E., between a clothing warehouse and an abandoned hair salon. (Tr. 4/3/02 at 13; ABRA Exhibit No. 1 at 1; Protestants' Exhibit No. 3.) The entrance to the Applicant's establishment is located on H Street, N.E. (ABRA Exhibit No. 1 at 1.) The Applicant's establishment is housed in a two-story brick building, with a Certificate of Occupancy for use of the basement, first floor, and second floor. (ABRA Exhibit No. 1 at 1.) There are no alcoholic beverages stored in the basement, which is clean and houses metal shelves. (ABRA Exhibit No. 1 at 1.) The Applicant's first floor holds all of the alcoholic beverages and food products. (ABRA Exhibit No. 1 at 1.) The second floor, which can be entered only from inside of the Applicant's establishment, is not occupied at this time, and wood and other equipment is being stored there. (ABRA Exhibit No. 1 at 1.) The Applicant's Alcoholic Beverage Control ("ABC") license allows the establishment to sell and store alcoholic beverages only on the first floor. (ABRA Exhibit No. 1 at 1.)
2. The Applicant's premises is zoned C2A, which is designed to provide facilities for commercial businesses with a density incentive for residential development. (ABRA Exhibit No. 1 at 1.) The Applicant's establishment is located in the same block as Chong Cheng Chen, t/a Major's Carryout, 714 H Street, N.E., holder of a Retailer's Class "B" liquor license ("Major's Carryout"). (Tr. 4/3/02 at 116; ABRA Exhibit No. 1 at 1; Protestants' Exhibit No. 3.) There are no other ABC licensed establishments located within a two-block radius of the Applicant's establishment and Major's Carryout. (ABRA Exhibit No. 1 at 1.)
3. Alcoholic Beverage Regulation Administration ("ABRA") Investigator Jeffrey Jackson stated that Major's Carryout also sells alcoholic beverages, but does not have as much "traffic" as the Applicant's establishment. (Tr. 4/3/02 at 13-15.) Investigator Jackson observed that the next closest ABC licensed establishment is within a three (3) or four (4) block radius of the Applicant's establishment and Major's Carryout. (Tr. 4/3/02 at 18.) Investigator Jackson noted that the nearest residents to the Applicant's establishment are located in the 700 and 800 block of 8th Street, N.E. (Tr. 4/3/02 at 30.) Investigator Jackson observed that there are no residential living quarters on the block where the Applicant's establishment is located and that the Applicant's establishment is located in a commercial block. (Tr. 4/3/02 at 30.)
4. Investigator Jackson visited the establishment on six (6) occasions, for a total of fifteen (15) hours. (ABRA Exhibit No. 1 at 2.) Specifically, Investigator Jackson visited the establishment on Friday, March 22, 2002 from 4:00 p.m. to 8:00 p.m.; Saturday, March 23, 2002 from 8:00 p.m. to 10:00 p.m.; Monday, March 25, 2002 from 12:00 p.m. to 2:00 p.m.; Tuesday, March 26, 2002 from 2:00 p.m. to 5:00 p.m.; Friday, March 29, 2002 from 7:00 p.m. to 9:00 p.m., and Saturday, March 30, 2002 from 8:00 p.m. to 10:00 p.m. (Tr. 4/3/02 at 21; ABRA Exhibit No. 1 at 2.) Investigator Jackson found the establishment to be in compliance with the ABC laws and regulations during his visits. (Tr. 4/3/02 at 43.) Investigator Jackson did not find any problems

with noise or rowdiness either inside or in the area of the establishment during his visits. (ABRA Exhibit No. 1. at 3-4.)

5. With respect to loitering, Investigator Jackson observed patrons of the Applicant's establishment loitering outside the front of the premises, particularly on his Friday and Saturday visits. (Tr. 4/3/02 at 13, 16-17, 29; ABRA Exhibit No. 1 at 3.) Investigator Jackson observed that some of the loiterers in front of the Applicant's establishment were patrons while others were not patrons of the Applicant's establishment. (Tr. 4/3/02 at 14; ABRA Exhibit No. 1 at 2-3.) Investigator Jackson testified that on March 29, 2002, he observed patrons loitering in front of the Applicant's establishment between the hours of 7:00 p.m. and 9:00 p.m. (Tr. 4/3/02 at 20-21; ABRA Exhibit No. 1 at 2.) Investigator Jackson observed that most of the loitering and "drinking" in the area occurs in front of 712 H Street, N.E., which is an abandoned hair salon that is located to the right of the establishment. (Tr. 4/3/02 at 14-15, 17; ABRA Exhibit No. 1 at 3; Protestants' Exhibit No. 3.) Investigator Jackson noted that Major's Carryout is located to the right of the abandoned hair salon. (Tr. 4/3/02 at 17.) Investigator Jackson was not able to determine if the loiterers in front of 712 H Street, N.E., were patrons of the Applicant's establishment because they were already there drinking when he arrived. (Tr. 4/3/02 at 15-16, 45-46.) Investigator Jackson observed loiterers drinking what appeared to be alcoholic beverages in front of 712 H Street, N.E., on March 23, 2002, March 29, 2002, and March 30, 2002. (Tr. 4/3/02 at 18-20, 26; ABRA Exhibit No. 1 at 3.) Investigator Jackson was not positive that the loiterers were drinking alcoholic beverages because the containers were inside of brown paper bags. (Tr. 4/3/02 at 19.) Investigator Jackson stated that it was difficult to determine where the individuals purchased their alcoholic beverages as both the establishment and Major's Carryout sell single bottles of beer. (Tr. 4/3/02 at 38.) Investigator Jackson did not observe patrons of the Applicant's establishment exit the premises and open and consume alcoholic beverages. (Tr. 4/3/02 at 15-16, 38.) Investigator Jackson also observed loitering in front of Major's Carryout. (Tr. 4/3/02 at 38.) Investigator Jackson noted that single containers of alcoholic beverages were placed by the establishment in brown paper bags. (Tr. 4/3/02 at 44.)

6. Investigator Jackson noted that on March 23, 2002, he believed that alcoholic beverages were being consumed outside in front of 712 H Street, N.E., because the two individuals who appeared to be "regulars" appeared to be homeless and it did not seem to him that they would be drinking and sharing one soda pop in a brown paper bag. (Tr. 4/3/02 at 16, 30-32.) Investigator Jackson stated that these individuals appeared to be "regulars," because they did not board the Metro bus and individuals passing by spoke to them. (Tr. 4/3/02 at 46.) Investigator Jackson testified that the individual that he observed while standing in front of Major's Carryout on March 29, 2002, appeared to be drinking alcoholic beverages because of the sound that he was making while drinking, and the top of the can appeared to be that of an alcoholic beverage. (Tr. 4/3/02 at 32-33; ABRA Exhibit No. 1 at 3.) Investigator Jackson noted that the two individuals who appeared to be drinking alcoholic beverages on March 30, 2002 were not the same individuals who appeared to be drinking alcoholic beverages in public on March 23, 2002 and March 29, 2002. (Tr. 4/3/02 at 33-34.) Investigator Jackson testified that he observed people congregating between the Applicant's establishment, Major's Carryout, and "the other carryout," and stated that these are the only three (3) stores open between 7:00 p.m. and 10:00 p.m. "in this block of H Street, N.E." (Tr. 4/3/02 at 47-48.) Investigator Jackson stated that "this particular stretch" of H Street, N.E., is very busy because people are going into the two carryouts and into

the establishment. (Tr. 4/3/02 at 38.) Investigator Jackson observed underage individuals entering the Applicant's establishment, but noted that these individuals did not exit the establishment carrying brown paper bags. (Tr. 4/3/02 at 34.) Investigator Jackson observed that the Applicant also sells food products at the establishment. (Tr. 4/3/02 at 34.) Investigator Jackson stated that the patrons under eighteen (18) years of age seemed to live in the area, and were observed entering the Applicant's establishment in the evening, not between the hours of 8:00 a.m. and 3:00 p.m. (Tr. 4/3/02 at 44.)

7. Investigator Jackson stated that on March 29, 2002, he spoke with Jerome Hodge, the owner of the establishment, about the incidents that he observed, and that Mr. Hodge presented him with a log of the calls that he had made to the Metropolitan Police Department ("MPD") to report incidents. (Tr. 4/3/02 at 35.) Investigator Jackson noted that the Applicant's establishment was closed by 10:00 p.m. each night during his investigation, and he did not observe any after hour sales of alcoholic beverages during his visits. (Tr. 4/3/02 at 52.)

8. With respect to residential parking, Investigator Jackson stated that commercial parking is permitted during certain hours and one-hour meter parking is permitted between the hours of 9:30 a.m. and 6:30 p.m., Monday through Saturday, with approximately ten (10) metered spaces available on both sides of H Street, N.E. (Tr. 4/3/02 at 53; ABRA Exhibit No. 1 at 4.) Investigator Jackson observed that in a January 22, 2002 photograph, a bus is navigating around two parked delivery trucks. (Tr. 4/3/02 at 23-25.) Investigator Jackson noticed during his visits two instances of delivery trucks pulling up near the front of the establishment and noted that H Street, N.E., is a main commercial thoroughfare, and the presence of delivery trucks is not an unusual occurrence. (Tr. 4/3/02 at 41.) Investigator Jackson did not observe much "drive up traffic," and noted that most of the patrons of the Applicant's establishment appear to be locals who live in the vicinity and walk to the establishment. (Tr. 4/3/02 at 39, 49.) Investigator Jackson did not observe any pedestrian safety concerns during his visits and noted that there are no residents living on either side of H Street, N.E., where the establishment is located. (ABRA Exhibit No. 1. at 4.)

9. Investigator Jackson noted that a bus stop is located at 8th Street N.E., and H Street N.E., approximately twenty (20) feet from the Applicant's establishment, directly in front of Major's Carryout. (Tr. 4/3/02 at 14, 50; Protestants' Exhibit No. 3.) Investigator Jackson stated that the bus stop located at 8th Street N.E., and H Street, N.E., is a bus transfer point, and that there is very heavy bus traffic there. (Tr. 4/3/02 at 50.)

10. With regard to litter, Investigator Jackson observed some litter and trash in the "street area" of the Applicant's establishment, such as soda cans, gum wrappers, and things of that nature. (Tr. 4/3/02 at 15; ABRA Exhibit No. 1 at 2-3.) Investigator Jackson did not observe beer bottles or other alcoholic beverage type litter around the Applicant's establishment. (Tr. 4/3/02 at 15, 19.) Investigator Jackson drove through the nearby alley and found it to be clean and free of debris, and noted that he did not observe drinking or public urination in the alley. (Tr. 4/3/02 at 15.) Investigator Jackson testified that on March 29, 2002, he spoke with "Mr. Hodge" about the litter in front of the Applicant's establishment and on the sidewalk, and that one day he observed an individual come out of the Applicant's establishment and sweep outside in front of the premises. (Tr. 4/3/02 at 36.) Investigator Jackson testified that Mr. Hodge told him that

someone normally sweeps in front of the premises during the daytime and in the afternoon. (Tr. 4/3/02 at 37; ABRA Exhibit No. 1 at 3.) Investigator Jackson did not observe trash containers in front of the Applicant's establishment or either of the carryouts. (Tr. 4/3/02 at 49.)

11. With respect to criminal activity, Investigator Jackson observed what appeared to be the public drinking of alcoholic beverages one door down from the Applicant's establishment on March 23, 2002, March 29, 2002 and March 30, 2002. (Tr. 4/3/02 at 18-20, 26.)

12. Danielle Schaffrath is a Police Officer with MPD, Fifth District, Patrol Service Area ("PSA") 510. (Tr. 4/3/02 at 63.) Officer Schaffrath has worked in MPD's Fifth District for approximately four (4) years. (Tr. 4/3/02 at 63.) Officer Schaffrath has worked in PSA 510 for approximately two (2) years, and usually patrols this area in a car from 2:30 p.m. until 11:00 p.m. (Tr. 4/3/02 at 82-83, 91.) Officer Schaffrath stated that on Friday, March 29, 2002, she patrolled the entire border of PSA 510, including the front of the Applicant's establishment, with the Orange Hat Patrol -- a group of concerned citizens. (Tr. 4/3/02 at 65-67.) During this time, Officer Schaffrath observed a patron of the Applicant's establishment walking briskly from the establishment's premises carrying a brown paper bag. (Tr. 4/3/02 at 67, 80.) Officer Schaffrath stated that when the patron saw her, he increased his pace, practically running out of the premises and down the sidewalk. (Tr. 4/3/02 at 67-68, 80.) Officer Schaffrath stated that the patron got inside of a vehicle that was occupied by others, and because the patron appeared to be very young, she approached the vehicle and asked to see his identification. (Tr. 4/3/02 at 68-69.) Officer Schaffrath testified that the patron presented her with a California Drivers License that indicated that he was twenty (20) years of age. (Tr. 4/3/02 at 68-69.) Officer Schaffrath then looked inside of the patron's brown paper bag and found six (6) cold, sixteen (16) ounce Miller Lites, which the patron informed her that he had purchased from the Applicant's establishment without presenting identification. (Tr. 4/3/02 at 68-69, 91; Protestants' Exhibit No. 4.) Officer Schaffrath asked the patron to step out of the vehicle and arrested him at 7:10 p.m., for the possession of alcoholic beverages. (Tr. 4/3/02 at 69, 74, 80-81; Protestants' Exhibit No. 4.) On March 29, 2002, Officer Schaffrath prepared an Incident-Based Event Report ("PD-251") of the incident (complaint number 046589) and issued a Violation Citation ("61D"), Ticket Number 0012376, to Lincoln Jerome Hodge. (Tr. 4/3/02 at 72-73; Protestants' Exhibit Nos. 4-5.) Officer Schaffrath stated that the Applicant's establishment is a very busy store and that there are always lots of people inside, but that on March 29, 2002, she observed a lot of kids standing in front of the premises who appeared to be between sixteen (16) to nineteen (19) years of age, and she also observed minors inside of the premises. (Tr. 4/3/02 at 70-71, 79.)

13. Officer Schaffrath testified that based upon her experience patrolling PSA-510, she finds that H Street, N.E., and 7th Street, N.E., and H Street, N.E., and 8th Street, N.E., are very difficult areas to patrol. (Tr. 4/3/02 at 73.) Officer Schaffrath estimated that there are approximately eight (8) to ten (10) ABC licensed establishments between 7th Street, N.E., and 14th Street, N.E. (Tr. 4/3/02 at 83.) Officer Schaffrath stated that the block between 7th Street, N.E., and 8th Street, N.E. is a busy pedestrian area. (Tr. 4/3/02 at 94.) Officer Schaffrath has observed an array of quality of life issues in this area, including drinking in public, urinating in public, "open containers," and a strong element of drug activity. (Tr. 4/3/02 at 73-74.) Officer Schaffrath has also observed a lot of loitering in this area. (Tr. 4/3/02 at 74.) Officer Schaffrath testified that within the past month, on two (2) or three (3) occasions, she observed the

Applicant's establishment to be open "after hours," closing around 10:15 p.m. or 10:20 p.m., instead of 10:00 p.m. (Tr. 4/3/02 at 96-99.)

14. With respect to loitering, Officer Schaffrath testified that when she patrols the block where the Applicant's establishment is located, a large concentration of the disorderlies are located in front of the Applicant's establishment, "particularly people who are drinking and passing around a beer." (Tr. 4/3/02 at 88.) Officer Schaffrath testified that there is definitely a loitering problem in the block where the Applicant's establishment is located, and that loitering occurs consistently in front of the Applicant's establishment as well as Major's Carryout. (Tr. 4/3/02 at 74, 95-96.) Officer Schaffrath stated that she is not aware of whether the Applicant has contacted MPD for assistance with the loitering problem. (Tr. 4/3/02 at 88.) Officer Schaffrath testified that not everyone who stands in the front of the Applicant's establishment is loitering and "drinking," stating that a lot of people stop there to converse briefly with people they know. (Tr. 4/3/02 at 99-100.) Officer Schaffrath noted that there is a bank located in close proximity to the Applicant's establishment where people sit on the steps and drink all day. (Tr. 4/3/02 at 94, 96.)

15. With regard to litter, Officer Schaffrath considers litter to be a problem in the area where the Applicant's establishment is located. (Tr. 4/3/02 at 87.) Officer Schaffrath also stated that trash receptacles in the area are not adequate. (Tr. 4/3/02 at 87.)

16. With regard to criminal activity, Officer Schaffrath testified that she recalls a conversation with Mr. Hodge approximately one and a half (1-1/2) to two (2) years ago, during which Mr. Hodge informed her about drug activity in the area, including inside of his establishment. (Tr. 4/3/02 at 84.) Officer Schaffrath testified that drug activity on H Street, N.E., and 7th Street, N.E., and H Street, N.E., and 8th Street, N.E., is also a strong concern in the community. (Tr. 4/3/02 at 85.) Officer Schaffrath observed that Major's Carryout is located two doors from the establishment heading toward 8th Street, N.E., and that in the same block next to the establishment at the corner of 7th Street, N.E., and H Street, N.E., is the Fashion Warehouse. (Tr. 4/3/02 at 93, 95.)

17. Albert Williams is an MPD Officer in the Fifth District, and is assigned to PSA 510. (Tr. 4/3/02 at 101-102.) Officer Williams is assigned to the "business beat" on 8th Street, N.E., and patrols the area on foot, mountain bike, and in a scout car. (Tr. 4/3/02 at 102-103.) Officer Williams stated that he and his partner Officer Logan establish observation posts and conduct a lot of business checks. (Tr. 4/3/02 at 102, 121.) Officer Williams stated that the area of the establishment has calmed down a lot and gotten better. (Tr. 4/3/02 at 102-103.) Officer Williams noted that the number of arrests he has made on a monthly basis has decreased from approximately fourteen (14) arrests to about two (2) or three (3) arrests; and lately Officer Williams has not made any arrests in the 700 block of H Street, N.E. (Tr. 4/3/02 at 115.) Officer Williams stated that he was working with Mr. Hodge, who would inform him about what is going on in the area. (Tr. 4/3/02 at 103.) Officer Williams testified that "drinking in public" does not occur specifically in front of the Applicant's establishment, but does occur a lot nearby in front of the "Fashion Warehouse," Major's Carryout, and "Crown Chicken." (Tr. 4/3/02 at 103.)

18. With regard to loitering, Officer Williams testified that most of the loiterers in the area are heroin addicts who reside in shelters around the city, such as "Mitch Snyder Shelter" or "Lincoln Row." (Tr. 4/3/02 at 103,124-125.) Officer Williams stated that the area is community oriented and most of the patrons of the stores in the area are from different walks of life around the community. (Tr. 4/3/02 at 103.) Officer Williams observed that a lot people who are on drugs loiter on the side of Major's Carryout. (Tr. 4/3/02 at 104.) Officer Williams noted that a lot of people who drink go inside of Major's Carryout, purchase bottles of alcoholic beverages, and drink them in public. (Tr. 4/3/02 at 105.) Officer Williams testified that since he has been working in the area, he and his partner establish "observations posts" and arrest people who have ignored their warning not to drink in public. (Tr. 4/3/02 at 105.) Officer Williams stated that an observation post is a specific location from which you inconspicuously observe what is occurring. (Tr. 4/3/02 at 122.) Officer Williams noted that MPD's actions have curbed drinking in public in the area. (Tr. 4/3/02 at 105.) Officer Williams stated that he and his partner, "Officer Logan," are in the area of 7th Street, N.E., and H Street, N.E., "all the time." (Tr. 4/3/02 at 121-122.) Officer Williams has observed the public consumption of all types of alcoholic beverages in the area, including vodka and beer. (Tr. 4/3/02 at 105.) Officer Williams testified that the consumption of alcoholic beverages and loiterers in front of the Applicant's establishment has diminished. (Tr. 4/3/02 at 105-106.) Specifically, Officer Williams stated that loiterers are beginning to recognize that "they can't just hang out". (Tr. 4/3/02 at 106.) Officer Williams testified that one problem is that there is a bus stop located down the street, and there is not much that can be done about the loiterers who sit and hang out at the bus stop, but that he "locks them up" if he observes them drinking; although they come right back. (Tr. 4/3/02 at 106-107, 123-124.) Officer Williams testified that the "traffic" of loiterers in front of the Applicant's establishment has cut down a lot, even though every now and then one or two people hang around on the side of the Applicant's establishment waiting for someone. (Tr. 4/3/02 at 120.)

19. Officer Williams has never observed the Applicant's establishment close after 10:00 p.m., stating that the establishment "closes like clockwork." (Tr. 4/3/02 at 114.) Officer Williams has not observed underage drinking to be a problem in the area. (Tr. 4/3/02 at 114-115.) With regard to litter, Officer Williams noted that the Applicant has people who sweep outside. (Tr. 4/3/02 at 106.)

20. With regard to criminal activity, Officer Williams testified that drinking in public, disorderly conduct, and urinating in public are common occurrences in the area, and that occasionally, there is an assault. (Tr. 4/3/02 at 107-108.) Officer Williams testified that he was recently switched to working from 10:00 a.m. to 6:30 p.m. to 1:00 p.m. to 9:00 p.m., due to robberies in the area of the 700 block of H Street, N.E., and that he has spent a lot of time in that area lately. (Tr. 4/3/02 at 110.) Officer Williams testified that most of the people on the 700 block of 8th Street, N.E., are vagrants and homeless. (Tr. 4/3/02 at 111, 119, 124.) Officer Williams testified that the 700 block of H Street, N.E., is a busy area known for drinking in public and as a heroin market. (Tr. 4/3/02 at 102-103.) Officer Williams testified that people come to the area from all parts of the city to buy drugs. (Tr. 4/3/02 at 125.) Officer Williams testified that there are a lot of heroin users in the 700 block of H Street, N.E. (Tr. 4/3/02 at 113, 119.) Officer Williams found the establishment to be in compliance with the ABC laws and regulations. (Tr. 4/3/02 at 135.)

21. Natwan Logan is a Police Officer with MPD who has worked in the "5-B Vice Unit" for seven (7) months. (Tr. 4/3/02 at 141-142.) Officer Logan stated that the 5-B Vice Unit covers 710 H Street, N.E., which is the location of the Applicant's establishment. (Tr. 4/3/02 at 142.) Officer Logan's shift is from 1:00 p.m. to 9:00 p.m. (Tr. 4/3/02 at 157.) Officer Logan has worked in PSA 510 and along the H Street, N.E., corridor for two (2) years, and patrols the area by car, mountain bike, and foot. (Tr. 4/3/02 at 147.) Officer Logan testified that within the past two years, he has made approximately twenty (20) arrests in the 700 block of H Street, N.E., for drugs, drinking in public, and assaults. (Tr. 4/3/02 at 147-148.) Officer Logan testified that the most common incidents reported by MPD on police runs for the area are for "disorderly" and "drug transports." (Tr. 4/3/02 at 148.) Officer Logan defined disorderly as loitering, drinking in public, and urinating in public. (Tr. 4/3/02 at 148.) Officer Logan stated that there are approximately two homeless shelters within a ten (10) block radius of the Applicant's establishment that house approximately three (3) to four (4) individuals each. (Tr. 4/3/02 at 157-158.) Officer Logan testified that most of the people who "hang" on H Street, N.E., probably come from "halfway houses" in the area. (Tr. 4/3/02 at 159.) Officer Logan testified that the bus stop is also a major issue because the carryouts are located in front of the bus stop and people from the carryouts say that they are waiting for the bus. (Tr. 4/3/02 at 156.)

22. Officer Logan testified that for years, the 700 block of H Street, N.E., has been considered an open-air heroin and drug market and that numerous drug, heroin, and crack cocaine "lock-ups" have been made. (Tr. 4/3/02 at 142-143.) Officer Logan testified that both drug dealers and drug users hang out on the 700 block of H Street, N.E. (Tr. 4/3/02 at 144.) Additionally, Officer Logan noted that "users" are in the 700 block of H Street, N.E., constantly, all day, and he believes that they reside in the area. (Tr. 4/3/02 at 143-144.) Officer Logan has observed that drug users in the area also consume alcoholic beverages. (Tr. 4/3/02 at 144.)

23. Christopher Matthew Smith is a Private Investigator hired by the Applicant's attorney to investigate allegations that the Applicant's establishment has an adverse impact on peace, order, and quiet in the neighborhood, residential parking and pedestrian safety, low property values, and a contribution of liquor establishments in the neighborhood; as well as a citation issued to Mr. Hodge for selling alcoholic beverages to a minor. (Tr. 5/15/02 at 6-8.) Mr. Smith stated that he conducted internal investigations for the District of Columbia Department of Corrections for ten (10) years, before he became a Private Investigator on March 22, 2002. (Tr. 5/15/02 at 33, 43-44.) Mr. Smith stated that he investigated the Applicant's establishment by making periodic site-checks daily between April 19, 2002 and April 24, 2002. (Tr. 5/15/02 at 7-8, 16-17.) Specifically, Mr. Smith investigated the Applicant's establishment on Friday, April 19, 2002 from 7:30 a.m. to 8:30 a.m., 11:00 a.m. to 12:00 p.m., and 8:00 p.m. to 10:30 p.m.; Saturday, April 20, 2002 from 7:30 a.m. to 8:30 a.m. and 8:00 p.m. to 10:30 p.m.; Sunday, April 21, 2002 from 2:30 p.m. to 3:30 p.m.; Monday, April 22, 2002 from 8:30 a.m. to 9:30 a.m. and 9:00 p.m. to 10:00 p.m.; Tuesday, April 23, 2002 from 10:00 a.m. to 11:00 a.m.; and Wednesday, April 24, 2002 from 7:30 a.m. to 8:00 a.m. (Tr. 5/15/02 at 16-17.) Mr. Smith noted that the establishment was closed during his April 21, 2002 visit. (Tr. 5/15/02 at 17.)

24. Mr. Smith stated that the Applicant's establishment is located at 710 H Street, N.E., between 7th Street, N.E., and 8th Street, N.E., and that the Protestants live approximately four (4) blocks away. (Tr. 5/15/02 at 9-10.) He stated that the Fashion Warehouse is on the corner of 7th Street,

N.E., and H Street, N.E., and that located next to the Applicant's establishment is Major's Carryout, Grown Fried Chicken Carryout, and an empty lot that used to be a hair salon. (Tr. 5/15/02 at 10, 15.) Mr. Smith observed that there is also a bus stop in front of Major's Carryout. (Tr. 5/15/02 at 10.) He stated that the H Street, N.E., corridor is a commercial zone and a busy rush-hour thoroughfare. (Tr. 5/15/02 at 9, 31.) Mr. Smith noted that the Applicant has a very strong customer base within the neighborhood, as well as a strong "drive-up" customer base. (Tr. 5/15/02 at 23.) He did not observe patrons double parking in front of the Applicant's establishment, except on one occasion, he did observe a patron exit a vehicle in front of the premises, but the driver of the vehicle moved along. (Tr. 5/15/02 at 23.) Mr. Smith noted that metered parking spaces are available along both sides of H Street, N.E. Tr. 5/15/02 at 24.)

25. With respect to noise, Mr. Smith testified that he found no evidence or documentation that clearly shows that the Applicant's establishment is responsible for any noise or disorderly conduct. (Tr. 5/15/02 at 9.) He stated that when he drove through the residential neighborhood, including on 7th Street, N.E., and 8th Street, N.E., he found a lot of residents outside socializing, which contributed to noise in the area, which he did not find to be attributed to the Applicant's establishment. (Tr. 5/15/02 at 9.) Mr. Smith testified that when he drove along 7th Street, N.E., between I Street, N.E., and K Street, N.E., he observed a lot of individuals on the street corners, especially on the corner of 7th Street, N.E., and I Street, N.E., and the alley from the church. (Tr. 5/15/02 at 12.) He stated that there were residents, basically kids, just sitting and talking. (Tr. 5/15/02 at 12.)

26. With regard to drinking in public, Mr. Smith observed a gentleman in front of the Applicant's establishment drinking from a styrofoam cup, but did not know the contents of the cup. (Tr. 5/15/02 at 18, 21, 26.) He testified that he drove back and forth through the alley and around the neighborhood and did not observe anyone drinking other than the one individual with the Styrofoam cup. (Tr. 5/15/02 at 21.) Mr. Smith testified that he also went inside of the Applicant's establishment which appeared to be operated professionally and he did not observe any "irregularities" that he considered to be wrong. (Tr. 5/15/02 at 35-36.) He testified that he never observed intoxicated persons enter the Applicant's establishment. (Tr. 5/15/02 at 27.) Mr. Smith observed the Applicant's establishment close at exactly 10:00 p.m., and noted that most of the time, the gate was closed prior to 10:00 p.m., with the Applicant allowing no one to enter the premises. (Tr. 5/15/02 at 18.)

27. With respect to litter, Mr. Smith testified that at the close of business, he often observed there was no litter around the premises and that sometimes in the morning there would be a small amount of litter. (Tr. 5/15/02 at 20.) He observed during his visits someone cleaning up around the establishment during the mornings around 8:00 a.m. or 8:30 a.m. (Tr. 5/15/02 at 18.) Mr. Smith testified that there is not a trash receptacle located in front the Applicant's establishment. (Tr. 5/15/02 at 42-43.) He noted that there are trash receptacles located in the back of the Applicant's establishment, at the bus stop in front of Major's Carryout, and in front of and on the side of the Fashion Warehouse on the corner of 7th Street, N.E., and H Street, N.E. (Tr. 5/15/02 at 10, 28-29, 40-41.) However, Mr. Smith noted that there is no alley that runs directly from the front to the back of the establishment. (Tr. 5/15/02 at 11.) Mr. Smith stated that some litter he observed could not be attributed to the establishment as it had accumulated in the area of the

establishment while the establishment was closed. (Tr. 5/15/02 at 20.) Mr. Smith found the inside of the establishment to be very clean. (Tr. 5/15/02 at 34-35.)

28. With respect to loitering, Mr. Smith testified that he did not observe anyone loitering in front of the Applicant's establishment. (Tr. 5/15/02 at 21.) He stated that he defines loitering as hanging in front of an establishment doing nothing. (Tr. 5/15/02 at 30.) Mr. Smith observed people waiting in front of the bus stop and patrons of the two carryouts waiting outside for their purchases. (Tr. 5/15/02 at 30.)

29. Mr. Smith noted that a lot of patrons drive up to the establishment make a purchase, and leave. (Tr. 5/15/02 at 19.) He noted that the establishment is busier on weekends and in evenings than in the morning and during the day. (Tr. 5/15/02 at 19.) Mr. Smith observed that the establishment has a sign posted indicating the age requirement to drink alcoholic beverages. (Tr. 5/15/02 at 37.)

30. Laura H. Murray has resided at 1134 7th Street, N.E., for forty-five (45) years. (Tr. 5/15/02 at 48, 60.) She is the founder of "Near Ninety Citizens Against Crime and Drugs," and is involved with "Out of School," "Stand Up for Democracy," and the "Orange Hats," among other organizations. (Tr. 5/15/02 at 49-52.) Ms. Murray has been involved with the Orange Hats for three (3) or four (4) years. (Tr. 5/15/02 at 52.) She has been familiar with the Applicant's establishment since she moved to the area. (Tr. 5/15/02 at 49.) Ms. Murray does not regularly go inside of the Applicant's establishment, but noted that she sometimes walks past the establishment two (2) or three (3) times a day, including her time with the Orange Hats, which begins at 6:00 p.m. in the winter and at 7:00 p.m. during daylight savings time. (Tr. 5/15/02 at 62, 68-69.) She believed that the establishment is a good neighbor to the community. (Tr. 5/15/02 at 61.)

31. Ms. Murray has never observed people drinking in front of the Applicant's establishment, but she has observed a group of people or a mother and kids standing there for a little while. (Tr. 5/15/02 at 51.) With respect to litter, she testified that not so long ago, she saw an empty wine bottle on the street, which is unusual, and that once in a while you might see a beer can. (Tr. 5/15/02 at 70-71.) Ms. Murray believed that adding another trash receptacle might help with the litter problem in the area. (Tr. 5/15/02 at 70.) She stated that she is not a patron of the Applicant's establishment, but that she visits the Applicant's establishment when she is garnering support from the business community for school funding or petitions. (Tr. 5/15/02 at 49-51.) Ms. Murray stated that the Applicant contributes money for school kids to take trips and for Christmas programs. (Tr. 5/15/02 at 51.) She stated that the Applicant fights drugs and supports her anti-drug efforts. (Tr. 5/15/02 at 52.)

32. Ms. Murray observed a young individual who she believed to be a Gallaudet University student who was holding a bag who was arrested by MPD and his bag confiscated in the area of the establishment. (Tr. 5/15/02 at 55-59.) Ms. Murray believed that requiring the establishment to sell single containers of alcohol in clear bags was a good idea. (Tr. 5/15/02 at 66.)

33. Phillip Edwards has resided at 719 7th Street, N.E., for approximately seven (7) years. (Tr. 5/15/02 at 74, 79.) He resides approximately one hundred fifty (150) feet from the Applicant's

establishment. (Tr. 5/15/02 at 79.) Mr. Edwards stated that he has been a Commissioner of Advisory Neighborhood Commission ("ANC") 6A08 for approximately four (4) years, and that the Applicant's establishment is located in his Single Member District ("SMD.") (Tr. 5/15/02 at 74, 77, 93.) He frequents the Applicant's establishment about twice per week to purchase cigarettes for his wife or to purchase a pack of beer. (Tr. 5/15/02 at 81, 91, 102.) Mr. Edwards testified that during his tenure as an ANC Commissioner, the Applicant has always been cooperative and responsive to the community. (Tr. 5/15/02 at 74, 87.) He testified that he has never received a telephone call from any of his constituents about the Applicant's establishment. (Tr. 5/15/02 at 75.) Mr. Edwards stated that during this protest, a poll was taken of about three hundred (300) residents who live in close proximity to the Applicant's establishment, and no one had anything negative to say. (Tr. 5/15/02 at 75.) He noted that the ANC Zoning and Licensing Subcommittee held a meeting and voted in favor of the Applicant's establishment. (Tr. 5/15/02 at 75, 105-108; Protest File No. 152-01/059P.) A letter of support for the licensee's renewal application dated February 15, 2002, which was received by the Board on February 22, 2002, was sent by the Zoning and Licensing Subcommittee to the Board. (ABRA Protest File No. 152-01/059P.) ANC 6A itself did not vote or send a letter to the Board on the Applicant's liquor license renewal application and the February 15, 2002 letter noted that it was not being submitted as the recommendation of ANC 6A -- which would be entitled to great weight pursuant to D.C. Official Code § 25-609. Mr. Edwards stated that none of the Protestants reside in his SMD. (Tr. 5/15/02 at 93-94.)

34. With regard to litter, Mr. Edwards has seen litter on the street in front of the Applicant's establishment, but he has never observed anyone come out of the Applicant's establishment and drop trash on the ground. (Tr. 5/15/02 at 76, 92.) Mr. Edwards has observed that someone cleans up in the front of the Applicant's establishment in the morning. (Tr. 5/15/02 at 76.) Mr. Edwards testified that he has not observed liquor bottles on the ground when he walks past the Applicant's establishment in route to the bank -- located near the bus stop on the corner of 8th Street, N.E., and H Street, N.E., but he has observed some trash along both sides of the street in front of all of the stores. (Tr. 5/15/02 at 84.) Mr. Edwards sometimes picks up soda bottles, beer bottles, cups, cans, and plastic containers in the tree box located in front of his house. (Tr. 5/15/02 at 81, 103.) Mr. Edwards testified that he has observed public intoxication in his block on 7th Street, N.E., between G Street, N.E., and H Street, N.E., but he has not observed public intoxication in the establishment's block of H Street, N.E., between 7th Street and 8th Street, N.E. or in and around the Applicant's establishment. (Tr. 5/15/02 at 90-91.) With respect to loitering, Mr. Edwards has observed loitering throughout the entire block of 7th Street, N.E., and H Street, N.E., and 8th Street, N.E., and H Street, N.E. (Tr. 5/15/02 at 92.) He believed that the amount of loitering in the area had improved but noted that loitering is heaviest on Friday evenings between 7th Street, N.E., and H Street, N.E., and 7th Street, N.E., and I Street, N.E., and believed that people come to the area to obtain drugs. (Tr. 5/15/02 at 98.) Mr. Edwards was not in favor of any restrictions on the Applicant's license. (Tr. 5/15/02 at 76.)

35. Lincoln Jerome Hodge is the brother of the Applicant and has been the manager of the Applicant's establishment since 1995 when his brother purchased the establishment. (Tr. 5/15/02 at 111, 117-118.) He is the only employee at the establishment that holds an ABC Manager's license. (Tr. 5/15/02 at 120.) Mr. Hodge's two sisters also work at the establishment but they do not hold an ABC Manager's license. (Tr. 5/15/02 at 120.) He testified that the hours

of operation of the Applicant's establishment are from 9:00 a.m. until 10:00 p.m., and that he does not sell alcoholic beverages after 10:00 p.m. (Tr. 5/15/02 at 126-127.) Mr. Hodge stated that he is on the premises Monday through Saturday from 9:00 a.m. until closing unless he has to run an errand. (Tr. 5/15/02 at 118.) He stated that his brother will be at the establishment when he is not present. (Tr. 5/15/02 at 145.) Mr. Hodge testified that he goes outside of the premises five (5) or six (6) times a day to look around and see what is happening and to observe if it is dirty. (Tr. 5/15/02 at 148.) He testified that he normally pays someone to stand outside to see that there is no trouble, no trash, and that it is quiet. (Tr. 5/15/02 at 111-112.)

36. Mr. Hodge testified that on March 29, 2002 at approximately 7:30 p.m., one of his customers from the neighborhood came inside of the Applicant's establishment and informed him that MPD had someone outside close to 7th Street, N.E., near the Fashion Warehouse. (Tr. 5/15/02 at 112.) He testified that he went outside and observed that MPD had a young white male next to an "SUV." (Tr. 5/15/02 at 112.) Mr. Hodge testified that MPD "Officer Harris" asked if he was aware that the male had a beer and he informed Officer Harris that the male did not come into the Applicant's establishment "to purchase." (Tr. 5/15/02 at 112-113, 142-143.) He testified that the police officer did not give him a citation on that night, but that on Saturday afternoon the police officer gave him a three hundred dollar (\$300) "61D" citation. (Tr. 5/15/02 at 113-114, 142; Protestants' Exhibit No. 4.) Mr. Hodge testified that he did not pay the fine, pursued the matter in court, and is awaiting the court's decision. (Tr. 5/15/02 at 143-145.) He stated that ABRA Investigator Jeff Jackson was present at the Applicant's establishment on the same night investigating the incident and did not cite him for any violations. (Tr. 5/15/02 at 114-115.) Mr. Hodge testified that people who look young are routinely "carded," and signs are posted. (Tr. 5/15/02 at 114.) He noted that employees check the identification of patrons who do not appear to be twenty-one (21) years of age. (Tr. 5/15/02 at 121.)

37. With regard to litter, Mr. Hodge noted that someone cleans up around 7:30 a.m. or 8:00 a.m. before the Applicant's establishment opens and late in the afternoon, and that he sometimes cleans up before closing. (Tr. 5/15/02 at 127-128.) He stated that there are a lot of carryouts in the area responsible for litter such as napkins, white bags, and plastic bags. (Tr. 5/15/02 at 136-137.) Mr. Hodge testified that there are city trash containers on the block, but that the Applicant's establishment does not have any trash containers of its own. (Tr. 5/15/02 at 138.)

38. Mr. Hodge testified that he calls MPD when there are disturbances out in front of the premises, that he maintains a log of the calls, and he has the cell numbers and beepers of three (3) MPD officers on the beat. (Tr. 5/15/02 at 129.) He noted that approximately ten (10) times on Fridays intoxicated persons are not allowed on the premises to purchase alcoholic beverages. (Tr. 5/15/02 at 134-135.)

CONCLUSIONS OF LAW

39. Pursuant to D.C. Official Code § 25-313(a)(2001), an Applicant must demonstrate to the satisfaction of the Board that the establishment for which a liquor license is sought is appropriate for the neighborhood in which it is located. Having considered the evidence upon which this determination must be made and the findings of fact adduced at the protest hearings, the Board concludes that the Applicant has demonstrated that the renewal of its Retailer's License, Class

"A" -- with the conditions imposed by the Board as listed below -- would be appropriate for the delineated area in which the establishment is located.

40. Pursuant to D.C. Official Code § 25-313(b)(2) (2001) and Title 23 of the District of Columbia Municipal Regulations ("DCMR") § 400.3(b) (1997), the Board must determine whether renewing the Applicant's license will have an adverse effect on the peace, order, and quiet of the neighborhood. With respect to noise and rowdiness, the Board finds based upon the testimony of Investigator Jackson that there were no significant problems at the establishment with regard to noise or rowdiness.

41. With regard to loitering, the Board finds, based upon the testimony of Investigator Jackson, Officer Schaffrath, Officer Williams, Officer Logan, and Phillip Edwards, that loitering has occurred in the 700 block of H Street, N.E., including in front of the Applicant's establishment, with some of the loiterers being patrons of the establishment. However, the testimony of Investigator Jackson, Mr. Hodge, and Officer Williams also reveals that the Applicant has been proactive in attempting to alleviate disturbances outside of the premises. Specifically, the testimony of Investigator Jackson and Mr. Hodge reveals that the Applicant calls MPD and possesses a logbook of calls made to MPD. Additionally, the testimony of Officer Williams revealed that Mr. Hodge has been working with MPD and informs him about what is occurring. The testimony of Officer Williams also revealed that loitering and the consumption of alcoholic beverages in front of and in the area of the Applicant's establishment has diminished. Furthermore, the Board notes that the testimony of Officer Schaffrath revealed that not everyone who stands in front of the Applicant's establishment is loitering and that a lot of people stop there to converse briefly with people they know. Additionally, the Board notes that the testimony, including the testimony of Mr. Edwards, revealed that loitering is a problem on H Street, N.E., including the 700 and 800 blocks of H Street, N.E., and is not specifically attributed to the operations of the establishment. Additionally, the Board finds that requiring the Applicant to post and maintain a "No Loitering" sign in front of his establishment will help to reduce loitering in front of the Applicant's establishment. The Board notes that it has authority to place this condition on the Applicant's license pursuant to D.C. Official Code § 25-104(e)(2001).

42. With respect to litter, the Board finds based upon the testimony of Investigator Jackson, Mr. Edwards, Mr. Smith, Mr. Hodge, and Officer Schaffrath, that litter is a problem in the area where the Applicant's establishment is located, and that some litter accumulates in front of the Applicant's establishment. However, the testimony also revealed that the Applicant has made an effort to reduce the amount of litter in front of his establishment. Specifically, the testimony of Investigator Jackson, Mr. Smith, Mr. Edwards, and Mr. Hodge revealed that someone sweeps and cleans up outside in front of the Applicant's establishment in the morning around 8:00 a.m. Mr. Hodge's testimony also revealed that someone cleans outside around the establishment late in the afternoon and that he sometimes cleans up outside before closing. The testimony of Investigator Jackson and Mr. Edwards also revealed that the type of trash found to exist around the Applicant's establishment did not consist of beer bottles or other alcoholic beverage containers. Additionally, the Board finds that requiring the Applicant to: (1) maintain a trash can outside in front of the establishment -- in a manner consistent with District of Columbia law; and (2) pick-up trash on a daily basis in the immediate environs of the establishment pursuant to D.C. Official Code § 25-726, will help to further reduce the amount of litter found in front of the

Applicant's establishment. The Board notes that it has authority to place these conditions on the Applicant's license pursuant to D.C. Official Code § 25-104(e)(2001).

43. With regard to criminal activity, the testimony of Investigator Jackson, Officer Schaffrath, Officer Williams, Officer Logan, and Ms. Murray revealed that some criminal activity, including drug activity, drinking in public, urinating in public, and disorderly conduct, occurs in the area of the establishment. However, the Board finds, based upon the testimony of Ms. Murray and Officer Williams that the operation of the Applicant's establishment does not significantly contribute to criminal activity in the area. Rather, the testimony of Ms. Murray, Mr. Hodge, and Officer Williams revealed that Mr. Hodge has been actively involved in working with MPD and the community against crime in the area. Specifically, the testimony of Officer Schaffrath and Officer Williams revealed that Mr. Hodge has informed MPD about drug activity and what is going on in the area. Additionally, the testimony of Investigator Jackson and Mr. Hodge revealed that Mr. Hodge calls MPD to report disturbances that occur outside of the premises and maintains a logbook of the calls to MPD. The testimony of Officer Williams also revealed that "traffic" in front of the Applicant's establishment has cut down a lot and the consumption of alcoholic beverages in front of the Applicant's establishment has diminished. Furthermore, the Board finds that requiring the Applicant to place purchases of single containers of beer or malt liquor in either clear or translucent bags rather than brown paper bags will have the joint effect of deterring patrons of the establishment from drinking in public and making it easier for MPD to determine that an alcoholic beverage is being consumed in public. Additionally, the Board finds that requiring the Applicant to continue his practice of calling MPD to report disturbances and maintaining a logbook with the time and date of calls made to MPD will continue to reduce crime and public drinking in the area. The Board notes that it has authority to place these conditions on the Applicant's license pursuant to D.C. Official Code § 25-104(e)(2001).

44. Based upon the above factors, and the conditions imposed by the Board above, the Board finds that renewing the Applicant's Class "A" license renewal application will not adversely affect the peace, order, and quiet of the neighborhood.

45. Pursuant to D.C. Official Code § 25-313(b)(3) (2001), the Board finds based upon the testimony of Investigator Jackson and the record as a whole that there is sufficient parking for patrons of the establishment. Pursuant to D.C. Official Code § 25-313(b)(3) (2001), the Board finds based upon the testimony of Investigator Jackson and from the record as a whole that the establishment will not have an adverse affect on vehicular or pedestrian safety. The Board notes that the Protestants did not raise this as a protest issue.

46. Pursuant to D.C. Official Code § 25-313(b)(1) (2001), the Board finds no evidence from the record as a whole that the establishment will have an adverse affect on real property values. The Board notes that the Protestants did not raise this as a protest issue.

47. With regard to the Applicant's compliance with the ABC laws and regulations, pursuant to D.C. Official Code § 25-315(b)(1), the testimony of Investigator Jackson and Officer Williams revealed that the establishment is currently in compliance with existing ABC laws and regulations. The Board notes, however, that the testimony of Officer Schaffrath revealed that on March 29, 2002 alcoholic beverages were purchased by an individual under twenty-one (21)

years of age in violation of D.C. Official Code § 25-781(a). This was a factor considered by the Board in making its decision. The Board notes that it expects the Applicant to comply with this provision and is requiring employees of the establishment to: (1) complete an alcohol training and education certification program conducted by a Board-approved provider as set forth in D.C. Official Code § 25-120 and (2) to submit certification of such training to the Board within 90 days. The Board notes that the licensee has signs posted indicating the minimum age required for the purchase of alcoholic beverages and the Board is requiring the licensee to keep signs posted pursuant to the requirements of D.C. Official Code § 25-713.

48. With regard to the hours of operation of the Applicant's establishment, the Board finds based upon the testimony of Investigator Jackson, Officer Williams, Mr. Smith, and Mr. Hodge that the Applicant closes the establishment by 10:00 p.m., pursuant to D.C. Official Code § 25-722(a) (2001). Specifically, the testimony of Investigator Jackson revealed that the Applicant's establishment was closed each night by 10:00 p.m. during his investigation, and that he did not observe any after hour sales of alcoholic beverages. Additionally, the testimony of Officer Williams, who has spent a lot of time in the area of the establishment, revealed that he has never observed the Applicant's establishment open after 10:00 p.m. The testimony of Mr. Smith and Mr. Hodge also revealed that the Applicant's establishment closes at exactly 10:00 p.m., and that most of the time, the gate is closed prior to 10:00 p.m., not allowing anyone to enter the premises.

49. The testimony of Investigator Jackson revealed that the establishment is in compliance with D.C. Official Code § 25-782(a) (2001), which prohibits persons under the age of 18 years of age from entering the licensed premises of an establishment holding an off-premises Retailer's license Class A between the hours of 8 a.m. and 3 p.m. on any day in which the public schools of the District of Columbia are in session during the regular school year. However, the Board is requiring the Applicant to post a sign kept in good repair and visible from the point of entry from the establishment regarding this provision in light of the testimony of Officer Schaffrath and Investigator Jackson. Specifically, the testimony of Officer Schaffrath revealed that on March 29, 2002, she observed minors inside of the premises and a lot of kids standing in front of the premises who appeared to be between sixteen (16) and nineteen (19) years of age. Additionally, the testimony of Investigator Jackson revealed that he observed patrons of the Applicant's establishment who appeared to be under the age of eighteen (18), and to live in the neighborhood, enter the Applicant's establishment in the evening -- not between the hours 8:00 a.m. and 3:00 p.m. The Board finds that requiring the Applicant to post a sign that reads: "No person under 18 years of age may enter the premises between the hours of 8:00 a.m. and 3:00 p.m. on any day in which the public schools of the District are in session during the regular school year," will assist in deterring underage persons from either entering the premises or loitering in front of the Applicant's establishment during prohibited hours. The Board notes that it has authority to place this condition on the Applicant's license pursuant to D.C. Official Code § 25-104(e)(2001).

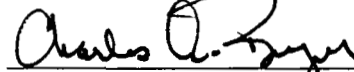
Therefore, it is hereby **ORDERED** on this 3rd day of September 2003, that the renewal application for a Retailer's Class "A" license filed by Dennis S. Hodge, t/a Family Liquors, 710 H Street, N.E., be and the same is hereby, **GRANTED**.

It is **FURTHER ORDERED** that the following conditions are hereby imposed on the Applicant and shall become a term of the license:

1. The Applicant shall post and maintain a "No Loitering" sign on the front of the establishment;
2. The Applicant shall maintain a logbook detailing the time and date of calls made to MPD;
3. The Applicant shall post and maintain a sign kept in good repair and visible from the point of entry from the establishment that reads, "No person under 18 years of age may enter the premises between the hours of 8:00 a.m. and 3:00 p.m. on any day in which the public schools of the District are in session during the regular school year";
4. The Applicant shall place a trash receptacle outside of the establishment for its customers' use in a manner consistent with District of Columbia law;
5. The Applicant shall on a daily basis pick-up trash in the immediate environs of the establishment pursuant to D.C. Official Code § 25-726;
6. The Applicant shall place purchases of single containers of beer or malt liquor in clear or translucent bags;
7. The Applicant shall have its employees complete an alcohol training and education certification program and submit certification of such training to the Board within 90 days; and
8. The Applicant shall post a notice kept in good repair and visible from the point of entry from the establishment, which states: (1) the minimum age requirement for the purchases of an alcoholic beverage; and (2) the obligation of the patron to produce a valid identification document.

Dennis S. Hodge
t/a Family Liquors
September 3, 2003

District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Interim Chairperson

Not Voting

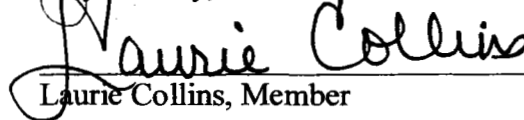
Vera M. Abbott, Member

Not Voting

Audrey E. Thompson, Member



Judy A. Moy, Member



Laurie Collins, Member

Pursuant to 23 DCMR § 1619.1 (June 1997), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Control Board, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

Also, pursuant to section 11 of the District of Columbia Administrative Procedures Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1619.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. (See D.C. App, Rule 15(b)).

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF PUBLIC INTEREST

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
1205 Clifton Street, NW	40	2865	1
1405R Crittenden Street-Rear	823	2706	4
412 Delafield Place	175	3251	4
1407 Delafield Place	21	2709	4
1123 Fairmont Street-Rear	46	2859	1
617 Farragut Street	106	3212	4
1304 Farragut Street	41	2807	4
519 Florida Avenue	35	3093	1
521 Florida Avenue	26	3093	1
3200 Georgia Avenue	909	2892	1
3203 Georgia Avenue	809	3042	1
5627-5631 Georgia Avenue	039	2991	4
4820 Iowa Avenue	30	2709	4
425 Irving Street-Rear	64	3049	4
535 Irving Street	31	3048	1
535 Irving Street-Rear	31	3048	1
315 K Street	804	526	2
470 K Street	44	516	2
440 Kenyon Street-Rear	43	3049	1
636 Kenyon Street	145	3047	1
636 Kenyon Street-Rear	145	3047	1
1217 Kenyon Street	117	2844	1
1331 Kenyon Street	47	2843	1
830 Lamont Street	97	2892	1
718 Marietta Place	43	3155	4
4001 Marlboro Place	48	3313	4
1350 Meridian Place	107	2836	1
1021 Monroe Street	74	2832	1
1824 Monroe Street	813	2614	1
1342 Montague Street	46	2796	4
1342 Montague Street-Rear	46	2796	4

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
234 N Street	127	555	5
408 N Street	863	513	2
3500 Nebraska Avenue	24	1599	3
3526 New Hampshire Ave	91	2614	1
1424 North Capitol Street	10	616	5
1424 North Capitol Street-Rear	10	616	5
4922 North Capitol Street	67	3401	4
405 O Street	802	511	2
505 O Street	36	479	5
507 O Street	37	479	5
509 O Street	2001/2002	479	5
820 Otis Place	119	2895	1
88-881/2 P Street	825	616	2
219 P Street	833	475	5
3245 Patterson Street-Rear	25	2021	4
1000 Park Road	39	2841	1
1424 Parkwood Place	46	2688	1
753 Quebec Place-Rear	170	3031	1
936 Quincy Street	92	2901	4
50 R Street-Rear	31	3101	5
403 R Street	801	0507	5
533 Randolph Street	105	3232	4
411 Randolph Street	82	3237	1
501 Rhode Island Avenue	33	475S	2
1000 Rhode Island Avenue	19	337	2
1427 Rhode Island Avenue	27	210	2
1429 Rhode Island Avenue	28	210	2
735 Rock Creek Church Road-	58	3130	4
1355 Shepherd Street	45	2823	4
1421 T Street-Rear	845	205	1
531 U Street	37	3079	2
533 U Street	38	3079	2
901-01 U Street	88	360	1
131 Varnum Street	803	3321	4
146 W Street	823	3120	5
911 W Street	067	0357	1
1305 Wallach Place	169	237	1
3116 Warder Street	38	3048	1
3224 Warder Street-Rear	13	3046	1
1227 1 st Street	9	618	5

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (cont'd)</u>			
1202 3 rd Street	837	523	2
1419 3 rd Street	60	553	2
5311 3 rd Street-Rear	6	3328	4
1716 4 th Street	803	507	5
1809 4 th Street	17	3095	1
1416 5 th Street	26	479	2
1603 5 th Street	111	509	2
3927 5 th Street	78	3237	4
4109 5 th Street	47	3241	4
4403 5 th Street	12	3247	4
4409 5 th Street	15	3247	4
1104 6 th Street	859	449	2
1134 6 th Street	30	449	2
1407 6 th Street	30	479	2
1539 7 th Street	179	445	2
1503 9 th Street	29	397	2
4428 9 th Street-Rear (Addition)	34	3020	4
1725 11 th Street	805	0335	2
3221 11 th Street	27	2845	1
2200 12 th Street-Rear	62	271	1
2219 13 th Street	86	271	1
3637 13 th Street-Rear	145	2829	1
5008 13 th Street	53	2806	4
5008 13 th Street-Rear	53	2806	4
3564 14 th Street	24	2688	1
5310 14 th Street	13	2716	4
3222 19 th Street	817	2604	1
1617 21 st Street	136	93	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
2301 Bladensburg Road	41	4359	5
2836 Brentwood Road	001	4316	5
207 C Street-Rear	847	757	6
1721 E Street	144	4546	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (cont'd)</u>			
1848 Central Place	39	4047	5
1820 Corcoran Street	18	4049	5
600 Division Avenue	13	5196	7
1717 E Street	143	4546	6
5900 Foote Street,	805	5256	7
1229 Franklin Street	20	336	5
1653 Gales Street	182	4540	6
1655 Gales Street	183	4540	6
914 H Street	63	933	6
303 K Street	804	775	6
1656 Kramer Street	207	4540	6
25 Michigan Avenue	48	3500	5
1118 Montello Avenue	71	4070	5
1125 Morse Street	140	4070	5
1136 Morse Street	055	4065	5
1916 Newton Street	118	4202	5
2422 Otis Street-Rear	48	4298	1
52 Q Street	105	3520	5
58 Q Street	102	3250	5
50 RI Avenue-Rear	3	3508	5
1515 Rhode Island Avenue	43	4131	5
1515 Rhode Island Avenue-Rear	43	4131	5
4310 Sheriff Road	819	5097	7
4326 Sheriff Road	831	5097	7
1741 Trinidad Avenue	26	4082	5
142 Webster Street	42	3668	4
1221 Wylie Street	169	1003	6
1020 3 rd Street	34	749	6
1022 3 rd Street	33	749	6
2407 3 rd Street	28	3555	5
621 4 th Street	93	810	6
2508 4 th Street	51	3554	5
2819 5 th Street-Rear	45	3640	5
1009 7 th Street-Rear	84	887	6
608 8 th Street	45	891	6
914 9 th Street	45	910	6
4100 13 th Street	24	Par 146	5
243 14 th Place	78	1055	6
3122 16 th Street	39	4014	5
4413 16 th Street	5	4617	5

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (cont'd)</u>			
1234 18 th Place	811	4445	5
1236 18 th Place	811	4445	5
2718 26 th Street	34	4265	5
913 43 rd Place	47	5096	7
1044 44 th Street	70	5125	7
919 47 th Street	119	5151	7
1117 48 th Place	84	5158	7
945 52 nd Street	803	5199	7
234 56 th Street	144	5250	7
306 57 th Place	84	5247	7
310 57 th Place	84	5247	7
314 57 th Place	87	5247	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
4427 A Street	107	5350	7
3608 Alabama Avenue	823	5668	7
3608 Alabama Avenue-Rear (North)	823	5668	7
3608 Alabama Avenue-Rear (South)	823	5668	7
27 Atlantic Street	54	6170	8
5050 B Street	28	5326	7
5034 Bass Place	25	5325	7
4926 Call Place	33	5336	7
4030 Call Place	32	5336	7
5000 Call Place	35	5323	7
420 Chesapeake Street-Rear	808	6165	8
422 Chesapeake Street-Rear	809	6165	8
1720 D Street	87	1100	6
3206 D Street	802& 806	5430	7
1229 E Street	816	1019	6
3326 Ely Place	807	5444	6
1811 Erie Street	44	5801	8
1254 Half Street	99	0701	6
1260 Half Street	144	0701	6
1415 Morris Road	50	5809	6
1348 Penn. Avenue	7	1044	6
2329 Q Street	56	5587	6
1219 Sumner Road	979	5865	8

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (cont'd)</u>			
1242 W Street	99	5782	8
4001 4 th Street	39	6167	8
4005 4 th Street	40	6167	8
102 9 th Street	801	0943	6
2105 13 th Street	681	5782	6
3403 15 th Street	28	5917	8
333 16 th Street	82	1074	6
1602 17 th Street	801	0155	6
1427 22 nd Street	48	5564	6
20 53 rd Place	884	5284	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
71 Forrester Street	67	6240	8
73 Forrester Street	68	6240	8

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs pursuant to D.C. Law 2-144, effective March 3, 1979-, "**The Historic Landmark and District Protection Act of 1978**" hereby gives notice that the addresses listed below, as requested permission to demolish, altar, sub-divide or erect new structures at the following location(s):

Application Date	Address	Lot	Square	Use
9/4/03	1525 H Street, NW	810	200	Concept
9/5/03	513 H Street, NW	42	485	Sign
	401 11 th Street, NW	800	985	Apt./porch garage
9/8/03	3304 R Street, NW	841	1295	Add
	1631 Wisconsin Avenue, NW	891	1280	Sign
9/9/03	3026 ½ Q Street, NW	354	1269	Gutters
	3302 N Street, NW	820	1220	Gutter/rear add roof
9/10/03	3048 ½ R Street, NW		1282	Sign DC Public School

**DEPARTMENT OF CONSUMER AND REGULATORY
AFFAIRS****NOTICE OF PUBLIC INTEREST**

Forwarded for your information is a weekly listing of **raze permit application** filed with the Permit Service Center of the Building and Land Regulation Administration, requesting a permit to raze listed structures with the District of Columbia.

Application Date	Address	Lot	Square	Use
9/9/03	2425 L Street, NW	806	25	9-Story Hospital Building

**BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in twelve (12) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: 2B06

Petition Circulation Period: **Tuesday, September 2, 2003 thru Monday, September 22, 2003**
Petition Challenge Period: **Thursday, September 25, 2003 thru Wednesday, October 1, 2003**

VACANT: 7D02

Petition Circulation Period: **Monday, September 8, 2003 thru Monday, September 29, 2003**
Petition Challenge Period: **Thursday, October 2, 2003 thru Wednesday, October 8, 2003**

**VACANT: 3D07, 3D08, 3E05
 5C10, 5C11
 6B11
 8B03, 8C05, 8C06**

Petition Circulation Period: **Wednesday, September 10, 2003 thru Tuesday, September 30, 2003**
Petition Challenge Period: **Friday, October 3, 2003 thru Thursday, October 9, 2003**

VACANT: 2A06

Petition Circulation Period: **Monday, September 15, 2003 thru Monday, October 6, 2003**
Petition Challenge Period: **Thursday, October 9, 2003 thru Thursday, October 16, 2003**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N**

For more information, the public may call 727-2525.

**Government of the District of Columbia
Department of Health
Environmental Health Administration
Bureau of Environmental Quality
Air Quality Division**

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC, intends to issue a permit to construct and operate three 9.0 million BTU per hour natural gas firing Cleaver Brooks boilers and two-caterpillar 1250 KW generators to The George Washington University Hospital located at 900 23rd Street, N.W., in the District of Columbia.

The application to construct and operate the boilers and generators is available for public review at AQD and copies may be made between the hours of 8:15 a.m. and 4:45:00 p.m. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Ola Tajudeen, at (202) 535-2998.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington D.C. 20002. No written comments postmarked after September 29, 2003 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Ola Tajudeen, at (202) 535-2998.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
THE DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
BUREAU OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION**

**Notice
of
Water Quality Research Grant**

Pursuant to Section 1300.4 of the District of Columbia Water Quality Research Grant Regulation (Chapter 13 DCMR, Title 21; D.C. Register, May 13, 1988) (henceforth, Regulations), notice is hereby given regarding the potential availability of grants for conducting research and studies in the areas identified in the attached list.

The sources of funding for these proposed studies are varied and may include the Government of the District of Columbia and grants from the U.S. Environmental Protection Agency for FY 2004. The amount of available funds for each of the projects, the time of the award of a grant, and the actual award of a grant, if selected, are completely dependent on the final availability of the funds.

Under the Regulations, universities and nonprofit organizations are eligible to receive grants under this program. The Regulations exclude commercial companies which operate on a for-profit basis.

Selection of a proposal for award of a grant will be in accordance with the Regulations. It will be based on an evaluation of the technical merit of the proposal, experience and capabilities of the investigators, cost effectiveness of the proposed work, usefulness of the proposed work for water quality management in the District of Columbia and final approval, where applicable, by the federal agency providing funding. Proposals selected may not be funded within the year selected. Proposals on more than one subject may be submitted by the same individual from the same institution. Please review Section 1301 of the Regulations to see the various elements to be included in your proposal.

Proposals must be submitted to the Environmental Health Administration, Bureau of Environmental Quality, Water Quality Division (WQD) by October 17, 2003, unless otherwise noted.

For additional information, please contact Ms. Jerusalem Bekele or Ms. Lucretia Brown at (202) 535-2190. Proposals should be submitted to: Water Quality Division, Bureau of Environmental Quality, Environmental Health Administration, Department of Health, Attention: FY 04 RFPs, 51 N Street, N.E., Fifth Floor, Washington, D.C. 20002.

All persons associated with universities and organizations having appropriate expertise are encouraged to submit proposals for consideration of grant awards to conduct studies and research in the subjects specified below.

FY 2004 Proposed Research/Study Subjects

1. Potomac River Water Column Toxics Characterization.
2. Potomac River Sediment Characterization.
3. Estimation of Sediment Nutrient Flux in the Potomac River.

THE MAYOR OF THE DISTRICT OF COLUMBIA
MAYOR'S OFFICE OF HEALTH POLICY
REQUEST FOR COMMENTS ON
HEALTH LEADERSHIP FOR THE DISTRICT OF COLUMBIA IN THE 21ST
CENTURY: A PROPOSAL

100. Introduction

- 100.1 *This is a proposal for the establishment of a public health advisory body, the District of Columbia Health Council. It recognizes that the principal components of the District's health services system include public health, mental health and emergency medical services. This proposal also is consistent with current efforts across the United States to strengthen the capacity of state and local health services systems to meet the 21st century's challenges. These challenges are obvious even to the most casual observer of developments in the health sciences, health care, social and economic policies related to health and social services. The Mayor's Office of Health Policy has studied these developments as part of the research for the present proposal. Before presenting the proposal, a description of the historical context and the need for reform is discussed below.*
- 100.2 In the United States, the provision of health services has been a constant challenge for many jurisdictions. At the national, state and local levels, the executive and legislative branches of government are seeking ways to improve their respective health care delivery systems while reducing the number of uninsured. Washington, DC shares the same plight as other cities and is not exempt from the harsh realities of economic downturns that may impact overall health care, hospital closures, and increased growth in uninsured and underinsured residents.
- 100.3 However, unlike other cities, the District has the distinction of being the seat of our national government. As such, it hosts an array of activities that magnify health and safety issues. Moreover, any provision of public health services must consider the needs and resources of the federal government as well as the additional coordination required. Furthermore, the District government performs both state and local functions, unlike any other jurisdiction. All of these factors demonstrate the need for a coordinated approach and response to public health issues.
- 100.4 Fundamental to the health and safety of District residents is a strong public health infrastructure. According to the Institute of Medicine (IOM), "...the core functions of public health agencies at all levels of government are assessment, policy development and assurance."¹ For example, the IOM's *Future of The Public's Health in the 21st Century* describes public health as an "intersectoral system" which is a partnership linking those who contribute their expertise, resources, and perspectives to the process of assuring health. The report further notes:

It is imperative that a strong public health system, with engaged partners, be in place to deal with these challenges if we are to promote and protect the nation's health today and tomorrow. ²

- 100.5 In response to the challenge of building a strong public health system, the Mayor appointed several taskforces, advisory boards, councils and commissions. The most recent of these include the Mayor's Health Policy Council, the Health Care System Development Commission and the Health Services Reform Commission. A description of each body follows.

200 Mayor's Health Policy Council

- 200.1 The Mayor's Health Policy Council (created by Mayor's Order) has been a successful public-private initiative in existence since 1996, with membership ranging up to 85 members. The Health Policy Council has developed numerous recommendations for the reform and enhancement of the District's health care system. The majority of these recommendations have been approved and implemented by the Mayor. This Council has identified critical health issues impacting the city and made recommendations to the Mayor. One such issue involved a recommendation on substance abuse. As a result, the Mayor formed a citywide taskforce, the Citywide Comprehensive Substance Abuse Strategy. Other examples of successfully implemented proposals included recommendations to elevate the Office of the Chief Medical Examiner to cabinet level and the establishment of a separate Department of Health.
- 200.2 Despite the overall success of the Health Policy Council, the size of the membership and the lack of legally grounded authority have created obstacles in the Council's efficiency and effectiveness.

300 Health Care System Development Commission

- 300.1 The Health Care System Development Commission was established under the Health Care Development Act of 1999. Its goals were to identify strategies for improving the overall health of District residents by building a health care delivery system that meets a full range of medical needs; increasing access to care and individual choice through extending health coverage to a greater percentage of the District's uninsured; and building the Department of Health's capability to manage the health system and ensure public health. The Commission's final report, *Strategies for Change*, is available as a part of the DC Archives.

400 Health Services Reform Commission

- 400.1 In May 2001, Mayor Anthony Williams created the Health Services Reform Commission (HSRC) by Mayor's Order. Forty volunteers were appointed to

oversee and monitor the implementation and operations of the District of Columbia's Health Services Reform Initiative ("Initiative").

- 400.2 The purpose of the Initiative was to provide a public-private approach for delivering health care services and to improve access to care for the District of Columbia's uninsured residents. Previously, the Public Benefits Corporation rendered health care services at DC General Hospital to many uninsured citizens. Under the Initiative, Greater Southeast Community Hospital (replacing the Public Benefits Corporation) served as the prime contractor and partnered with several local hospitals, Unity Health Care, the Non-Profit Clinic Consortium and DC Chartered Health Plan, Inc. This partnership, under the guidance of the Health Care Safety Net Administration (HCSNA) within the DC Department of Health, became known as the DC Healthcare Alliance.
- 400.3 After months of monitoring the performance of the HCSNA and the DC Healthcare Alliance, HSRC members voiced their concerns regarding four major administrative issues: the lack of an ongoing analytic capability to assess the effectiveness of the Alliance; the lack of qualified staff at both the HCSNA and the HSRC; the lack of clear communication protocols between the HSRC and HCSNA; and the lack of opportunity for the HSRC to provide policy guidance to the Mayor regarding health care safety net issues. As a result, membership participation declined.

500 Experiences

- 500.1 During the last decade, experience with the Health Policy Council, the Health Care System Development Corporation, and the HSRC has clearly shown that some progress has been made to improve the overall health of the residents of the District of Columbia. However, experience indicates the need for an advisory structure that will enhance the effectiveness of administration and management of the health services system. An effective advisory body possesses the following:
- A clearly stated charge and sufficient authority to carry out responsibilities as identified;
 - A small deliberate group to advise the Mayor;
 - A defined procedure for communicating with the Mayor and Council of the District of Columbia;
 - An advisory group consisting of health experts who have the capacity to analyze trends and forecast potential health problems in which the District may confront;
 - Both technical and consumer/community representatives;
 - A defined process for monitoring and evaluating of activities and programs to ensure that the District's health needs are effectively and efficiently met;
 - A process to ensure that quality and utilization management systems as well as financial controls are in place to function effectively; and
 - A qualified staff independent from the Departments of Health, Mental Health and Emergency Medical Services.

600 Challenges

600.1 All evidence suggests that in the 21st century, the District of Columbia must address a number of challenges:

- Coordinating fragmented activities among government agencies to achieve greater efficiencies in service delivery;
- Managing key health issues facing District residents, including the rise in children's health concerns, chronic illness and health care disparities;
- Controlling the escalating cost of health care services and providing effectively financed care for the District's health care safety net;
- Investing in the proper public health infrastructure to strengthen the efforts to improve the quality of health care, i.e. human, financial, and technical resources; and
- Addressing international health and emerging bioterrorism concerns with the potential influence on domestic health.

700 Proposal

700.1 In developing this proposal, the Mayor's Office of Health Policy was guided by several published scholarly analyses of health services. Prominent, among these references, are the latest reports from the Department of Health and Human Services' *Mental Health: A Report of the Surgeon General*; and the Institute of Medicine's (IOM) *The Future of Public Health* and *The Future of the Public's Health in the 21st Century*. Particularly relevant to this proposal, the public health concept acknowledges:

...the linkage between health and the physical and psychosocial environment. Public health focuses not only on traditional areas of diagnosis, treatment, and etiology, but also on epidemiologic surveillance of the health of the population at large, health promotion, disease prevention, and access to and evaluation of services.³

700.2 Equally important to this proposal is IOM's recommendation for that each state has:

...a state health council that reports regularly on the health of the state's residents, makes health policy recommendations to the governor, and legislature, promulgates public health regulations, reviews the work of the state health department, and recommends candidates for the director of the department.⁴

- 700.3 In addition to the IOM's suggestions, the structure and functions of multiple state boards of health across the United States were reviewed. The review emphasized the roles and responsibilities as well as overall composition and qualifications of the state board of health members.
- 700.4 These observations lead to the present proposal to establish the ***District of Columbia Health Council***, the principal advisory group to the Mayor with broad regulatory authority. The proposal also indicates a need to empower the District's health services leadership and organizational structure.

701 I. District of Columbia Health Council

701.1 Composition/Qualifications

- 701.2 The District of Columbia Health Council will be composed of no more than 15 persons who are appointed by the Mayor. These individuals will be technical and constituent representatives. In view of the essential health services components and expertise required to ensure effective and efficient delivery of health services, the Council's composition is indicated in the table below.

Table. Health Services Components and Expertise

Components of the Health Services System	Expertise Required
Health Advocacy Consumer Advocacy	<ul style="list-style-type: none"> Two DC consumer health advocates
Health Care Services Community Clinics Hospitals Managed Care Organizations	<ul style="list-style-type: none"> Community clinic executive Hospital executive Managed care organization executive
Public Health Services Behavioral Health (Mental Health & Substance Abuse) Chronic Care Disease and Prevention Emergency Medicine and Bioterrorism Infectious Disease and Prevention Prescription Drug/Therapy Long-Term Care Other Services	<ul style="list-style-type: none"> Behavioral health provider Physician or nurse with specialization in chronic care disease Physician with Board certification or nurse with specialization in emergency medicine Physician or nurse with specialization in infectious disease Long-term care specialist Registered pharmacist
Health Policy & Law Health Law/Ethics	<ul style="list-style-type: none"> Health law expert/ethicist

For more details, please refer to the chart in Appendix A.

- 701.3 Members will serve for a three-year term with staggered appointments. In addition, the District of Columbia Health Council will form advisory committees and taskforces, when necessary, to intensively address specific issues.

702 Roles and Responsibilities

- 702.1 The primary duties of the District of Columbia Health Council will include: acting as a principal advisory body to the Mayor, and in turn, the directors of the Departments of Health, Mental Health, and Emergency Medical Services (“District Health Services”); providing ongoing assessments of the organizational structures and effects on the delivery of health services in the District of Columbia; setting health policy direction; and evaluating the District’s public health rules, regulations, and laws to ensure consistency with current scientific and technical knowledge; and determining the effective administration and enforcement of public health laws.

- 702.2 The District of Columbia Health Council will be assigned the following additional duties, but will not be limited to:

- Monitoring (*to keep track of systematically with a view of collecting information; to test or sample, especially on a regular or ongoing basis; and to keep close watch over, supervise.*⁵) and evaluating all components of the health delivery system to ensure that the District’s health needs are effectively and efficiently met. It will have the authority to:
 - Ensure that the data collection and interpretation are performed for management planning and evaluation as well as informing the public about health status trends.
 - Identify strategies for creating cost-effective health programs and services.
 - Recommend program changes, as necessary, within the “District Health Services.”
 - Conduct investigations or hearings to ensure that the District of Columbia Health Council has adequate information for making decisions and recommendations.
 - Review contractual agreements that are initiated by the public health, emergency medicine, and mental health agencies to assure the delivery of quality health services.
- Evaluating resource allocations to ensure that the necessary services are provided to reach agreed upon goals.
- Determining departmental and program specific priorities in collaboration with directors of the “District Health Services.”
- Making recommendations, as necessary, for administrative changes to ensure that health objectives are met.

- Ensuring that the District of Columbia Health Council's recommendations are responded to within a responsible period of time.
- Assessing the performance of the directors of the "District Health Services."
- Ensuring that the District develops effective public-private partnerships.
- Preparing and submitting annual reports to the public on health status, areas requiring improvement, and the District of Columbia Health Council's performance.

703 II. Health Services Leadership and Organizational Structure

703.1 A Surgeon General

703.2 Recent developments in the health services field suggest that strict scientific and medical leadership as well as strong management skills are critical components for ensuring the effectiveness of a public health delivery system and fulfilling the obligations of creating healthy communities. Thus, it will be proposed that a Surgeon General of the District of Columbia be appointed. When the Director of the Department of Health is not a physician, the Mayor will appoint a physician who will be designated as the Surgeon General of the District of Columbia. In the event that the Director of the Department of Health is a physician, this individual will also be appointed as the Surgeon General of the District of Columbia.

703.3 The District of Columbia Health Council will screen and recommend candidates to the Mayor for the appointment of the Surgeon General of the District of Columbia.

703.4 The Surgeon General will perform the following duties:

- Serve as the District's lead advocate on public health and health policy issues for the Mayor and the public.
- Lead and oversee public health, mental health and emergency medicine related programs and activities, involving the delivery of the quality health services for the benefit of District resident.
- Advance the health of the District through promoting effective disease prevention activities and programs that educate the public and encourage healthy behavior.
- Collaborate with medical and public health professionals on medical research, standards, innovations and developments to articulate scientifically based health policies.
- Advise the Mayor and the public on emergency readiness and response activities.
- Serve as a member of the District's Board of Medicine.

703.5 The proposal set forth in this document for the District of Columbia Health Council and a Surgeon General are intended to strengthen and empower the District to face the unique health challenges that confront the jurisdiction in the 21st century.

Written comments should be submitted via:

Mail: Mayor's Office of Health Policy
441 4th Street, NW – Suite 1150N
Washington, DC 20001
Facsimile: (202) 727-0165
Email: heather.fraser@dc.gov

¹ Institute of Medicine. The Future of Public Health. Washington, DC: National Academies Press. 1988: p7.

² Institute of Medicine. The Future of The Public's Health in the 21st Century. Washington, DC: National Academies Press. 2003: p39.

³ U. S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, MD. 1999.

⁴ Institute of Medicine. The Future of Public Health. Washington, DC: National Academies Press. 1988: p10-11.

⁵ The American Heritage Dictionary of the English Language, 4th Edition. Houghton Mifflin Company. 2000. www.yourdictionary.com

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- State Boards of Health:
- Alabama www.adph.org
 - Arkansas www.healthyarkansas.com
 - Colorado www.cdphe.state.co.us
 - Connecticut www.dph.state.ct.us
 - Idaho www2.state.id.us/dhw
 - Illinois www.idph.state.il.us
 - Indiana www.in.gov
 - Iowa www.idph.state.ia.us
 - Michigan www.michigan.gov/mdch
 - Mississippi www.msdh.state.ms.us
 - Missouri www.health.state.mo.us
 - Nebraska www.hhs.state.ne.us
 - North Carolina www.dhhs.state.nc.us
 - North Dakota www.health.state.nd.us
 - Ohio www.odh.state.oh.us
 - Oklahoma www.health.state.ok.us
 - South Carolina www.scdhec.net
 - Texas www.lib.utexas.edu/taro/tslac/20043
 - Virginia www.vdh.state.va.us
 - Washington State www.doh.wa.gov

APPENDIX A: Desirable Qualifications for the District of Columbia Health Council

Health Services Components	Expertise Required	Health Services Components	Expertise Required
Community Clinic	Proven track record of directing successful community clinics. Solid budget experience with a graduate degree in a business management field (MBA/MHA/MPH) is desirable. Excellent analytical and communication skills.	Infectious Disease and Prevention	Must be a physician or nurse (BSN) with specialization in infectious disease. Minimum of 5 years of experience in clinical, administrative and leadership setting. Excellent analytical and communication skills.
Hospital	Must have 5 + years of progressive hospital operations management, preferably in finance and solid budget experience. Graduate degree in a business management field (MBA/MHA/MPH) is desirable. Excellent analytical and communication skills.	Prescription Drug/Therapy	Substantial clinical understanding of the use of all drug products and knowledge about the US prescription drug financing and delivery system. Experience in managing and planning pharmaceutical operations. Qualifying degree in RPh or PharmD. Excellent analytical and communication skills.
Managed Care Organization	Must have 5 years experience in managed care and/or indemnity insurance with 3 + years management responsibility at a senior level. Experience with developing care management programs. Graduate degree in a related business management field (MBA/MHA/MPH) is desirable. Excellent analytical and communication skills.	Long-Term Care	Demonstrated experience in public health management and practice in a long term care environment. Must have a BSN or related clinical degree in psychology or social work.
Behavioral Health	Significant clinical management skills in the areas of substance abuse and mental health, etc. Minimum of 5 years of experience in clinical, administrative and leadership setting. Must have a clinical degree, i.e. MD, MSN, MSW or PhD. Excellent analytical and communication skills.	Consumer Advocacy/Community Health & Planning	Community leaders representing community health concerns in the District of Columbia. Must possess working knowledge of the health care services delivery system and practices. Broad based experience with patient advocacy.
Chronic Care Disease and Prevention	Must be a physician or nurse (BSN) with specialization in chronic care disease. Minimum of 5 years of experience in clinical, administrative and leadership setting. Excellent analytical and communication skills.	Health Law/Ethics	Relevant experience with legal analyses and knowledge of federal and state legislative, regulatory and judicial processes. Minimum of 5 years experience with health care law and ethics in an academic, research or legal setting. Must have a professional degree in law.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET N.W., SUITE 200, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE

FORMAL CASE NO. 1010, IN THE MATTER OF THE DISTRICT OF
COLUMBIA DEPARTMENT OF HUMAN SERVICES' PETITION FOR
ASSIGNMENT OF 2-1-1 CODE

1. The District of Columbia Department of Human Services's ("DHS") filed a petition for assignment of the abbreviated dialing code 2-1-1. A Notice was published on May 17, 2002, at 49 *D.C. Register* 4606-4607, inviting public comment on the DHS' petition for the assignment of the abbreviated dialing code 2-1-1. On January 17, 2002, the Office of the People's Counsel ("OPC") filed comments to DHS's Petition for Assignment of the 2-1-1 Code. No other comments were filed.

Following an evaluation of the comments, the Commission determined that there was a need for an easy to remember, easy to use, abbreviated dialing code that would allow for a single point of contact for callers to access community information and referral service organizations. The Commission concluded that the assignment of the abbreviated 2-1-1 dialing code would alleviate congestion on 911 calling by providing a source to access information regarding available community resources in circumstances involving immediate needs for social services and thus would be in the public interest.

The Commission took final action by Order No. 12906¹ approving DHS's petition for assignment of the abbreviated dialing code 2-1-1 to DHS. DHS's designation as the 2-1-1 provider became effective upon the release of Order No. 12906.

¹ *Formal Case No. 1010, In the matter of the District of Columbia Department of Human Services' Petition for Assignment of 2-1-1 Code*, Order No. 12906, rel. September 10, 2003.

Office of the Secretary of the
District of Columbia

September 4, 2003

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after October 1, 2003.

Alvarez, Lusia	Rpt	Floyd E. Davis Co 1629 K St,NW#900 20006
Anderson, Phyllis E.	Rpt	DCPS/Superintendent's Off 825 N Cap St,NE#900 20002
Andrade, Gabriela	New	N C L R 1111 19 th St,NW 20036
Baker, Tracy E.	Rpt	Indep Fed Savings Bank 1229 Conn Ave,NW 20036
Baldwin, Alice	New	American Land Title Assoc 1828 L St,NW#705 20036
Benedicto, Eugenia E.	New	Reed Smith 1301 K St,NW#1100ET 20005
Blake, Ellen M.	New	N P R A 1899 L St,NW#1000 20036
Blizzard, Dorothy	New	Wilshire Park Condo 3701 Conn Ave,NW 20008
Branson, Denise A.	New	Irwin Campbell Tannenwald 1730 R I Ave,NW#200 20036
Buckler, John E.	Rpt	Natl Guard Assoc of U S 1 Mass Ave,NW 20001
Burnett, Elisabeth J.	Rpt	Nuclear Energy Inst 1776 I St,NW#400 20006

Byrd, Diane H.	Rpt	Natl Labor Relations Bd 1099 14 th St,NW#11300 20570
Byrnes, Elizabeth E.	New	Consumer Data Industry 1090 Vt Ave,NW#200 20005
Carmichael, Donna C.	Rpt	Ober Kaler Grimes Shriver 1401 H St,NW#500 20005
Carter, Willetta	New	1635 West Va Ave,NE#1 20002
Chadick, Shelley L.	Rpt	Holland & Knight 2099 Pa Ave,NW#100 20006
Chandran, Esther	New	U S ASEANBusinessCouncil 1101 17 th St,NW#411 20036
Chick, Christine E.	Rpt	120 16 th St,NE 20002
Cissel, Sara S.	Rpt	ABC Radio 4400 Jenifer St,NW 20015
Comisiak, Joanne K.	Rpt	O'Connor & Hannan 1666 K St,NW#500 20006
Coney, Ingrid F.	Rpt	Zwerdling Paul et al 1025 Conn Ave,NW#712 20036
Copeland,Jr., Benjamin F.	Rpt	Nationwide Land Title 2821 7 th St,NE#3 20017
Copen, Jeffrey W.	New	Wachovia 4841 Mass Ave,NW 20016
Davis, Delores G.	New	N E D A 2526 Pa Ave,SE 20020
Dobson, Brenda	Rpt	Eisen & Rome 1 ThomCircle,NW#350 20005

Elbert, Jr., Wilmer R.	New	1204 42 nd St, NE 20019
Fambro, Theodore C.	Rpt	Heritage Reporting 1220 L St, NW #600 20005
Fenwick, Natasha C.	Rpt	Patton Boggs 2550 M St, NW 20037
Ferguson, Johnnie N.	Rpt	Riggs Bank 2000 MLK Ave, SE 20020
Flaim, Sean M.	New	Quinn Racusin Gazzola 1400 K St, NW #1010 20005
Fraine, Jeneé Suzanne	New	Gore Reporting 1050 17 th St, NW #600 20036
Garcia, Elizabeth A.	Rpt	Jones Walker 2300 M St, NW #816 20037
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Goldsworthy, Mary E.	New	Amalgamated Transit Union 5025 Wis Ave, NW 20016
Goode, Keytonia	New	Ballard Spahr et al 601 13 th St, NW 20005
Green, Adriene	New	Powell Goldstein et al 1001 Pa Ave, NW #600 20004
Gregory, Carrie Hay	New	C T F A 1101 17 th St, NW #300 20036

Harris, Glenn	New	711 Gallatin St, NE 20003
Harris, Lozetta J.	Rpt	Homeland Security 425 I St, NW#4214 20536
Helbringer, Clara E.	Rpt	Milbank Tweed et al 1825 I St, NW#1100 20006
Heller, Charles	Rpt	The U P S Store 5505 Conn Ave, NW 20015
Henderson, Delores T.	New	86 Galveston Pl, SW 20032
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Jackson, Veronica	New	Loewinger & Brand 471 H St, NW 20001
Jackson-Carter, Rosetta	Rpt	Cambridge Asset Advisors 1615 L St, NW#150 20036
Jamerson, Brenda Mack	New	U S Senate/Captioning Ser Capitol St-54 20510
Johnson, Carolyn M.	New	D C Courts 500 Indiana Ave, NW 20001
Johnson, Jennifer A.	Rpt	Washington Post 1150 15 th St, NW 20071
Jones, L. Ann	New	Paul Hastings et al 1299 Pa Ave, NW12thFl20004

Jones, Mozella D.	Rpt	4220 9 th St, SE#21B 20032
Krouse, Ronald G.	Rpt	Amer Fed of Teachers 555 N J Ave, NW 20001
Lum, Mary E.	Rpt	Nixon Peabody 401 9 th St, NW#900 20004
McClendon, Ashley	New	I C A P 1519 N H Ave, NW 20036
Mahady, Christina A.	New	Shiffman & Ricci 2600 Va Ave, NW#560 20037
Marquez, Sonja M.	New	MacArthur Beverages 4877 MacA Blvd, NW 20007
Mason, Cheryl M.	New	C T F A 1101 17 th St, NW#300 20036
Mooney, Dorothy L.	Rpt	Thelen Reid & Priest 701 Pa Ave, NW 20004
Moore, P. Marvette	Rpt	Wachovia Bank 1510 K St, NW 20005
Movsessian, Leana K.	New	Shaffer Bock Antonoplos 1701 K St, NW#300 20006
Neil, Patricia A.	Rpt	Kirkland & Ellis 655 15 th St, NW 20005
Newmark, Marilyn	New	Adams National Bank 1130 Conn Ave, NW#200 20036
O'Connor, Carole M.	Rpt	C S X Corporation 1331 Pa Ave, NW#560 20004
Payne, Ramona Turner	Rpt	23 U St, NW 20001

Peden, Ywuana	New	611 Pa Ave, SE#299 20003
Pelant, William G.	New	Total Management 1333 Green Court, NW 20005
Prestegard, Stephen M.	Rpt	Congressional Title 650 Pa Ave, SE 20003
Price, Geraldine	Rpt	U P O 301 R I Ave, NW 20001
Proctor, Gregory	Rpt	Kirkpatrick & Lockhart 1800 Mass Ave, NW2ndFl 20036
Proulx, Jill M.	Rpt	Dickstein Shapiro et al 2101 L St, NW 20037
Raines, Cherrie L.	Rpt	Abt Associates 1110 Vt Ave, NW#610 20005
Roberts-Brown, Raymond	Rpt	Ray Brown & Associates 1714 Corcoran St, NW 20009
St.Cyr, Viva E.	New	Fish & Neave 1899 Pa Ave, NW 20006
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Shifflett, Cheryl A.	Rpt	Slavit & Gill 1025ThJeff St, NW#425W 20007
Sibal, George W.	Rpt	Johnson & Pavuk 1413 K St, NW#1500 20005
Simmons, Cynthia R.	Rpt	L A D Reporting 1100 Conn Ave, NW#850 20036
Smith, Alexandra	Rpt	First Amer Title 1015 31 st St, NW#300 20007

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Smith-Fields, Gavata	New	Kinko's 2020 K St,NW 20006
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Stevenson, Brian	New	Wm Calomiris Company 1112 16 th St,NW#900 20036
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